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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 961, 1211, 1266, 1292 of this title; title 29 section 557a; title 31 section 1105; title 42 section 6211.

§ 801. Congressional findings and declaration of purpose

Congress declares that—

(a) the first priority and concern of all in the coal or other mining industry must be the health and safety of its most precious resource—the miner;

(b) deaths and serious injuries from unsafe and unhealthful conditions and practices in the coal or other mines cause grief and suffering to the miners and to their families;

(c) there is an urgent need to provide more effective means and measures for improving the working conditions and practices in the Nation's coal or other mines in order to prevent death and serious physical harm, and in order to prevent occupational diseases originating in such mines;

(d) the existence of unsafe and unhealthful conditions and practices in the Nation's coal or other mines is a serious impediment to the future growth of the coal or other mining industry and cannot be tolerated;

(e) the operators of such mines with the assistance of the miners have the primary responsibility to prevent the existence of such conditions and practices in such mines;

(f) the disruption of production and the loss of income to operators and miners as a result of coal or other mine accidents or occupationally caused diseases unduly impedes and burdens commerce; and

(g) it is the purpose of this chapter (1) to establish interim mandatory health and safety standards and to direct the Secretary of Health and Human Services and the Secretary of Labor to develop and promulgate improved mandatory health or safety standards to protect the health and safety of the Nation's coal or other miners; (2) to require that each operator of a coal or other mine and every miner in such mine comply with such standards; (3) to cooperate with, and provide assistance to, the States in the development and enforcement of effective State coal or other mine health and safety programs; and (4) to improve and expand, in cooperation with the States and the coal or other mining industry, research and development and training programs aimed at preventing coal or other mine accidents and occupationally caused diseases in the industry.

(Pub. L. 91-173, § 2, Dec. 30, 1969, 83 Stat. 742; Pub. L. 95-164, title I, § 102(a), Nov. 9, 1977, 91 Stat. 1290; Pub. L. 96-88, title V, § 509(b), Oct. 17, 1979, 93 Stat. 695.)

REFERENCES IN TEXT

This chapter, referred to in par. (g), was in the original "this Act", meaning Pub. L. 91-173, Dec. 30, 1969, 83 Stat. 742, as amended, known as the Federal Coal Mine Health and Safety Act of 1969 which was redesignated the Federal Mine Safety and Health Act of 1977 by Pub. L. 95-164, title I, § 101, Nov. 9, 1977, 91 Stat. 1290. The Federal Mine Safety and Health Act of 1977 enacted this chapter, amended sections 633 and 636 of Title 15, Commerce and Trade, repealed sections 451 to 460 and 471 to 483 of this title, and enacted provisions set out as notes under this section and section 636 of Title 15. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

AMENDMENTS

1977—Pars. (a) to (d), (f). Pub. L. 95-164, § 102(a)(1), inserted "or other" after "coal" wherever appearing.

Par. (g). Pub. L. 95-164, § 102(a)(1), (2), inserted "or other" after "coal" wherever appearing and substituted "Secretary of Labor" for "Secretary of the Interior".

CHANGE OF NAME

"Secretary of Health and Human Services" substituted for "Secretary of Health, Education, and Welfare" in par. (g) pursuant to section 509(b) of Pub. L. 96-88 which is classified to section 3508(b) of Title 20, Education.

EFFECTIVE DATE OF 1977 AMENDMENT

Section 307 of Pub. L. 95-164 provided that: "Except as otherwise provided, this Act and the amendments made by this Act [see Short Title of 1977 Amendment note below] shall take effect 120 days after the date of enactment of this Act [Nov. 9, 1977]. The Secretary of Labor

and the Secretary of the Interior are authorized to establish such rules and regulations as may be necessary for the efficient transfer of functions provided under this Act. The amendment to the Federal Coal Mine Health and Safety Act of 1969 made by section 202 of this Act [amending section 842(e) of this title and repealing subsec. (k) of section 878 of this title] shall be effective on the date of enactment [Nov. 9, 1977]."

EFFECTIVE DATE

Section 509 of Pub. L. 91-173 provided that: "Except to the extent an earlier date is specifically provided in this Act [see Short Title note below], the provisions of titles I and III of this Act [subchapters I and III of this chapter] shall become operative ninety days after the date of enactment of this Act [Dec. 30, 1969], and the provisions of title II of this Act [subchapter II of this chapter] shall become operative six months after the date of enactment of this Act. The provisions of the Federal Coal Mine Safety Act, as amended [section 451 et seq. of this title], are repealed on the operative date of titles I and III of this Act except that such provisions shall continue to apply to any order, notice, decision, or finding issued under that Act prior to such operative date and to any proceedings related to such order, notice, decision or findings. All other provisions of this Act, shall be effective on the date of enactment of this Act [Dec. 30, 1969]."

SHORT TITLE OF 1981 AMENDMENT

Pub. L. 97-119, title II, § 201(a), Dec. 29, 1981, 95 Stat. 1643, provided that: "This title [amending sections 901, 902, 921 to 923, 932, and 940 of this title and enacting provisions set out as notes under section 901 of this title] may be cited as the 'Black Lung Benefits Amendments of 1981'."

SHORT TITLE OF 1978 AMENDMENT

Pub. L. 95-239, § 1, Mar. 1, 1978, 92 Stat. 95, provided that: "This Act [enacting sections 903, 904, 924a, and 942 to 945 of this title, amending sections 901, 902, 921 to 924, 931, 932, 933, 937, 940, and 941 of this title, and enacting provisions set out as notes under sections 901, 932a, and 934a of this title, section 4121 of Title 26, Internal Revenue Code, and section 675 of Title 29, Labor] may be cited as the 'Black Lung Benefits Reform Act of 1977'."

SHORT TITLE OF 1977 AMENDMENT

Section 1 of Pub. L. 95-164 provided: "That this Act [enacting sections 822 to 825 and 961 of this title and section 557a of Title 29, Labor, amending this section, sections 802 to 804, 811 to 821, 842, 861, 878, 951 to 955, 958, and 959 of this title, and sections 5314 and 5315 of Title 5, Government Organization and Employees, repealing sections 721 to 740 of this title and section 1456a of Title 43, Public Lands, and enacting provisions set out as notes under this section, section 954 of this title and section 11 of former Title 31, Money and Finance] may be cited as the 'Federal Mine Safety and Health Amendments Act of 1977'."

SHORT TITLE OF 1972 AMENDMENT

Pub. L. 92-303, § 1(a), May 19, 1972, 86 Stat. 150, provided: "That this Act [enacting sections 925 and 937 to 941 of this title, amending sections 901, 902, 921 to 924, 931, 932, 933, 934, and 936 of this title, and enacting provisions set out as notes under sections 921 to 923 of this title] may be cited as the 'Black Lung Benefits Act of 1972'."

SHORT TITLE

Section 1 of Pub. L. 91-173, as amended by Pub. L. 95-164, title I, § 101, Nov. 9, 1977, 91 Stat. 1290, provided: "That this Act [which was known as the Federal Coal Mine Health and Safety Act of 1969 prior to the amendment by Pub. L. 95-164 and which enacted this chapter, amended sections 633 and 636 of Title 15, Commerce and Trade, repealed sections 451 to 460 and 471 to 483 of this

title, and enacted provisions set out as notes under this section and section 636 of Title 15] may be cited as the 'Federal Mine Safety and Health Act of 1977.'

For short title of subchapter IV of this chapter as the "Black Lung Benefits Act", see section 901(b) of this title.

SEPARABILITY

Section 510 of Pub. L. 91-173 provided that: "If any provision of this Act [see Short Title note set out above], or the application of such provision to any person or circumstance shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby."

§ 802. Definitions

For the purpose of this chapter, the term—

(a) "Secretary" means the Secretary of Labor or his delegate;

(b) "commerce" means trade, traffic, commerce, transportation, or communication among the several States, or between a place in a State and any place outside thereof, or within the District of Columbia or a possession of the United States, or between points in the same State but through a point outside thereof;

(c) "State" includes a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands;

(d) "operator" means any owner, lessee, or other person who operates, controls, or supervises a coal or other mine or any independent contractor performing services or construction at such mine;

(e) "agent" means any person charged with responsibility for the operation of all or a part of a coal or other mine or the supervision of the miners in a coal or other mine;

(f) "person" means any individual, partnership, association, corporation, firm, subsidiary of a corporation, or other organization;

(g) "miner" means any individual working in a coal or other mine;

(h)(1) "coal or other mine" means (A) an area of land from which minerals are extracted in nonliquid form or, if in liquid form, are extracted with workers underground, (B) private ways and roads appurtenant to such area, and (C) lands, excavations, underground passageways, shafts, slopes, tunnels and workings, structures, facilities, equipment, machines, tools, or other property including impoundments, retention dams, and tailings ponds, on the surface or underground, used in, or to be used in, or resulting from, the work of extracting such minerals from their natural deposits in nonliquid form, or if in liquid form, with workers underground, or used in, or to be used in, the milling of such minerals, or the work of preparing coal or other minerals, and includes custom coal preparation facilities. In making a determination of what constitutes mineral milling for purposes of this chapter, the Secretary shall give due consideration to the convenience of administration resulting from the delegation to one Assistant Secretary of all authority with respect to the health and safety of miners employed at one physical establishment;

(2) For purposes of subchapters II, III, and IV of this chapter, "coal mine" means an area of land and all structures, facilities, machinery, tools, equipment, shafts, slopes, tunnels, excavations, and other property, real or personal, placed upon, under, or above the surface of such land by any person, used in, or to be used in, or resulting from, the work of extracting in such area bituminous coal, lignite, or anthracite from its natural deposits in the earth by any means or method, and the work of preparing the coal so extracted, and includes custom coal preparation facilities;

(i) "work of preparing the coal" means the breaking, crushing, sizing, cleaning, washing, drying, mixing, storing, and loading of bituminous coal, lignite, or anthracite, and such other work of preparing such coal as is usually done by the operator of the coal mine;

(j) "imminent danger" means the existence of any condition or practice in a coal or other mine which could reasonably be expected to cause death or serious physical harm before such condition or practice can be abated;

(k) "accident" includes a mine explosion, mine ignition, mine fire, or mine inundation, or injury to, or death of, any person;

(l) "mandatory health or safety standard" means the interim mandatory health or safety standards established by subchapters II and III of this chapter, and the standards promulgated pursuant to subchapter I of this chapter;

(m) "Panel" means the Interim Compliance Panel established by this chapter; and

(n) "Administration" means the Mine Safety and Health Administration in the Department of Labor.

(o) "Commission" means the Federal Mine Safety and Health Review Commission.

(Pub. L. 91-173, §3, Dec. 30, 1969, 83 Stat. 743; Pub. L. 95-164, title I, §102(b), Nov. 9, 1977, 91 Stat. 1290.)

AMENDMENTS

1977—Par. (a). Pub. L. 95-164, §102(b)(1), substituted "Secretary of Labor" for "Secretary of the Interior".

Par. (d). Pub. L. 95-164, §102(b)(2), (4), substituted "supervises a coal or other mine or any independent contractor performing services or construction at such mine" for "supervises a coal mine".

Pars. (e), (g). Pub. L. 95-164, §102(b)(4), inserted "or other" after "coal" wherever appearing.

Par. (h). Pub. L. 95-164, §102(b)(3), added subpar. (1), designated existing provisions as subpar. (2), and inserted "For purposes of subchapters II, III, and IV of this chapter," after "(2)".

Par. (j). Pub. L. 95-164, §102(b)(4), inserted "or other" after "coal".

Pars. (n), (o). Pub. L. 95-164, §102(b)(5), added pars. (n) and (o).

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-164 effective 120 days after Nov. 9, 1977, except as otherwise provided, see section 307 of Pub. L. 95-164, set out as a note under section 801 of this title.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.